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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 State Farm Life Insurance Company,
10 Plaintiff,

11 v.

12 Nancy Brummett; Joshua Lozinsky; and
13 Travis Brummett,

14 Defendants/Claimants.

No. CV-23-0051-TUC-EJM

REPORT AND RECOMMENDATION

15 Currently pending before the Court is Plaintiff State Farm Life Insurance Company,
16 Ltd.'s ("State Farm") Unopposed Motion to Dismiss (Doc. 21).¹ Defendant Nancy
17 Brummett has passed away, and the remaining Defendants "have agreed to equitably divide
18 the proceeds of the Estate, thus extinguishing any dispute in this matter and eliminating the
19 need for Court intervention." Pl.'s Unopposed Mot. to Dismiss (Doc. 21) at 3; *see also*
20 Not. of Suggestion of Death (Doc. 20). The Court finds good cause to grant Plaintiff State
21 Farm's motion (Doc. 21).

22 Accordingly, the Magistrate Judge RECOMMENDS that the District Judge enter an
23 order:

- 24 1) GRANTING Plaintiff State Farm's Unopposed Motion to Dismiss (Doc. 21);
25 and

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27 ¹ A Magistrate Judge shall prepare a Report and Recommendation to the appropriate
28 designee in either Tucson or Phoenix/Prescott for cases where the status of election by parties is
incomplete. General Order No. 21-25. Accordingly, this Report and Recommendation is directed
to the Honorable Raner C. Collins.

Pursuant to 28 U.S.C. § 636(b) and Rule 72(b)(2) of the Federal Rules of Civil Procedure, any party may serve and file written objections within fourteen (14) days after being served with a copy of this Report and Recommendation. A party may respond to another party's objections within fourteen (14) days after being served with a copy. Fed. R. Civ. P. 72(b)(2). No replies shall be filed unless leave is granted from the District Court.

Failure to file timely objections to any factual or legal determination of the Magistrate Judge may result in waiver of the right of review.

Dated this 22nd day of May, 2023.


Eric J. Markovich
United States Magistrate Judge